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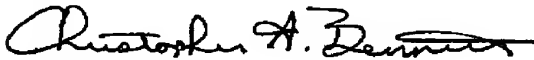
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<b>To:</b> Examiner Justin Bettendorf	<b>From:</b> Christopher A. Bennett
<b>Fax:</b> 703-872-9318	<b>Date:</b> April 8, 2003
<b>Phone:</b> 703-308-2780	<b>Pages:</b> 6
<b>Re:</b> 09/605,789	<b>CC:</b>
<b>•Comments:</b>	

Examiner Bettendorf,

Please find attached Request for Reconsideration U.S. Application No. 09/605,789.

Respectfully submitted,



Christopher A. Bennett  
(Reg. No. 46,710)

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to Group Art Unit 2817, 703-872-6318, addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

Date: April 8, 2003

Sonia V. McVean  
Sonia V. McVean

#19 Response

M. Braun  
PATENT  
36856.863 4/10/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yasuhiro TANAKA

Serial No.: 09/605,789

Filed: June 27, 2000

Title: NONRECIPROCAL CIRCUIT DEVICE  
AND METHOD OF FABRICATING THE  
SAME

Art Unit: 2817

Examiner: J. Bettendorf

REQUEST FOR RECONSIDERATIONAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated January 8, 2003, please reconsider the above-identified application in view of the following remarks.

Claims 1-4 and 16-22 are pending in this application.

Claims 1-4 and 16-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Marusawa et al. (U.S. 5,498,999) in view of Krishnamurthy et al. (U.S. 5,653,841). Applicant respectfully traverses this rejection.

Claim 1 recites:

"A nonreciprocal circuit device comprising:  
a laminated body having an upper surface, a lower surface and side surfaces and comprising a magnetic substrate made of a ferromagnetic material, a permanent-magnet substrate laminated on the magnetic substrate, and a plurality of central conductors disposed on the magnetic substrate, the plurality of central conductors intersecting each

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other in a central area of the laminated body while being electrically insulated from each other;  
a yoke integrated into the laminated body; and  
an electrical component provided within the laminated body and electrically connected to one of the plurality of central conductors;  
wherein said electrical component is formed on an upper surface of a dielectric substrate in said laminated body; and  
**said yoke is defined by a magnetic material layer disposed on the upper surface, the lower surface, and the side surfaces of said laminated body.”** (Emphasis added)

The Examiner acknowledged that Marusawa et al. fails to teach or suggest an integrated permanent magnet substrate and yoke which are laminated to the device. However, the Examiner alleged that Krishnamurthy et al. teaches an integrated yoke comprising magnetic thin films 214 and 239 and a magnet 216. Thus, the Examiner concluded that it would have been obvious to have integrated the yoke and the permanent magnet of Krishnamurthy et al. in the device of Marusawa et al. Applicant respectfully disagrees.

In contrast to the present claimed invention and the Examiner's allegations, the magnetic thin film 214 is provided within the laminated body, as clearly seen in Fig. 4 of Krishnamurthy et al. Particularly, the magnetic thin film 214 of Krishnamurthy et al. is disposed between the substrate 212 and the ground plate 226, and is clearly not disposed on the lower surface of the laminated body as recited in the present claimed invention.

In addition, the magnetic thin film 239 is provided only on the top surface of the laminated body, as clearly seen in Fig. 4. Further, Col. 9, lines 48 and 49 of Krishnamurthy et al. specifically disclose that “a top magnetic film 239 is coated over the entire top surface of the structure. . .”. Thus, contrary to the Examiner's allegations, Krishnamurthy et al. clearly fails to teach or suggest any magnetic film which is disposed on the lower surface and the side surfaces of a laminated body, and certainly fails to teach or suggest that “said yoke is defined by a magnetic material layer disposed on the upper surface, the lower surface, and the side surfaces of said laminated body” as recited in the present claimed invention.

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In the Response to Arguments section of the outstanding Office Action, the Examiner alleged that "figure 4 of Krishnamurthy et al. is a cross-sectional view that shows only two dimensions" and that "the reference teaches that film 239 is identical in purpose to layer 34 (col. 9, lines 48-51), which is disclosed as being deposited over the entire outer surface of the structure (col. 6, lines 33-40)." Applicant respectfully disagrees.

The mere fact that Krishnamurthy et al. discloses that the magnetic film 239 has an "identical purpose" as the magnetic film 34 seen in Fig. 2b, certainly does mean that the magnetic film 239 has the same structure and arrangement as the magnetic film 34. In fact, to the contrary, since Krishnamurthy et al clearly discloses that two separate and distinct magnetic films 214 and 239 are provided in the device shown in Fig. 4, the structure and arrangement of the magnetic films 214 and 239 are clearly different from the structure and arrangement of the single magnetic film 34 shown in Fig. 2b of Krishnamurthy et al..

It is noted that although Fig. 4 of Krishnamurthy et al. is a cross-sectional view of the device, if either of the magnetic thin films 214 or 239 were disposed on the side surfaces of the laminate, this feature would clearly be shown at the side surfaces of the device shown in Fig. 4 of Krishnamurthy et al. Since Fig. 4 of Krishnamurthy et al. fails to show that either of the magnetic thin films 214 or 239 is disposed on the side surfaces of the laminated body, and the specification of Krishnamurthy et al. fails to teach or suggest that either of the magnetic thin films 214 or 239 could or should be disposed on the side surfaces of the laminated body, Applicant respectfully submits that, contrary to the Examiner's allegations, Krishnamurthy et al. clearly fails to teach or suggest "said yoke is defined by a magnetic material layer disposed on the upper surface, the lower surface, and the side surfaces of said laminated body" as recited in the present claimed invention.

Prior art rejections must be based on evidence. Graham v. John Deere Co., 383 U.S. 117 (1966). Pursuant to MPEP 706.02(a), the Examiner is hereby requested to cite a reference in support of his position that it was well known at the time of Applicant's invention to provide a yoke that is defined by a magnetic material layer

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disposed on the upper surface, the lower surface, and the side surfaces of a laminated body. If the rejection is based on facts within the personal knowledge of the Examiner, the data should be supported as specifically as possible and the rejection must be supported by an affidavit from the Examiner, which would be subject to contradiction or explanation by affidavit of Applicants or other persons. See 37 C.F.R. §1.104(d)(2).

Since Krishnamurthy et al., fails to teach or suggest a yoke that is defined by a magnetic material layer that is disposed on the upper surface, the lower surface, and the side surfaces of the laminated body, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness in the rejection of claims 1-4 and 16-22 under 35 U.S.C. § 103(a) over Marusawa et al. in view of Krishnamurthy et al.

Accordingly, Applicant respectfully submits that Marusawa et al. and Krishnamurthy et al., applied individually or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in claim 1 of the present application.

In view of the foregoing remarks, Applicant respectfully submits that claim 1 is allowable. Claims 2-4 and 16-22 depend upon claim 1, and are therefore allowable for at least the reasons that claim 1 is allowable.

In view of the foregoing Remarks, Applicant respectfully submits that this Application is in condition for allowance. Favorable consideration and prompt allowance are respectfully solicited.

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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: April 8, 2003

  
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